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Coalition seeks to overhaul Michigan's public defender system

Gary Heinlein / Detroit News Lansing Bureau

LANSING -- A coalition of lawyers, judges and others is starting a drive to reform Michigan's checkerboard criminal defense system, which ranks 44th among the states in per-person expenditures on legal representation for people who get arrested and can't afford to hire their own attorneys.

Organizers of the drive, called the Michigan Campaign for Justice, are seeking a state-funded program to provide the legal defense for indigent defendants.

Right now, each of the 83 counties funds its own program, mostly from local property taxes --a setup that results in uneven representation in court from one county to the next, staggering caseloads for public defenders and inadequate resources, they say.

Michigan is one of just seven states to pay for public defense with this kind of a system.

A second goal of the group is to assure that the state-wide system would meet a set of nationally recognized standards.

A study released last summer said Michigan is violating the U.S. Constitution by failing to provide competent legal representation for impoverished defendants. Counties struggling with budget troubles can ill afford to pay for it, said the National Legal Aid & Defender Association in conjunction with the State Bar of Michigan.

The study found that poor defendants accused of misdemeanors routinely are processed through the justice system without ever speaking to lawyers.

Members of the broad-based coalition hope to gain a consensus on changes that will end the disparities.

"This is a mandate," said Circuit Judge Fred Borchard of Saginaw. "This is what the law. It's what the United States is about."

Borchard said even with the current state budget crunch, Michigan can't afford to wait any longer to make the necessary reforms.

The current system results in wrongful convictions while the real perpetrators remain free to commit additional crimes, costly retrials and injustice, proponents said while unveiling their new campaign on Wednesday.

Michigan's counties spend a total of about \$80 million a year on public defense and the state has ranked near the bottom in funding of public defense for decades, said Laura Sager, director of the Campaign for Justice.

She said spending statewide would have to go up to \$120 million a year just to get Michigan to 26th place among the states.

Sager said the coalition still is working out details of the proposal it will present, but hopes to have legislation drafted before year-end.

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